



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.9671 of 2014
Date of Decision: 24.09.2024

Amrik Singh Matharoo and others
...Petitioners

Versus

State of Punjab and others
...Respondents

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Mohit Jaggi, Advocate
 for the petitioners.

 Mr. Shekhar Verma, Addl. A.G., Punjab
 for respondents No.1 and 3.

 Mr. R.S. Khosla, Senior Advocate with
 Mr. Yogender Verma, Advocate
 for respondents No.2 and 4.

G.S. Sandhawalia, J.(Oral)

Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India, at the belated stage after 22 years, is to the acquisition proceedings which were initiated way back in 1992 vide notification dated 13.11.1992 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') and the subsequent notification dated 21.07.1993 (Annexure P-5) issued under Section 6 of the Act. Apparently, on account of the fact that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 had come into force, therefore, the right of lapsing was sought to be enforced at a belated stage which is sufficient as such to knock out the petitioners in view of the law laid down by the Constitution Bench of the



Apex Court in **Indore Development Authority vs. Manoharlal and others,**
(2020) 8 SCC 129.

2. It is the own case of the petitioners that they are tenants in the shops falling in Village Kumbra, District SAS Nagar, Mohali and therefore, they only have limited right as such only to the extent of filing the petition under Section 30 of the Act against the original land-owners and to get apportionment of the compensation which was duly deposited.

3. The reply as such filed would go on to show that Award No.451 was passed on 22.02.1995 and Rapat No.191 was duly entered on the said date and the mutation was also entered in favour of the beneficiary department, i.e PUDA (now GMADA). The acquisition is for setting up of Residential Urban Estate of Village Kumbra, District SAS Nagar, Mohali and the initial land notified was 331.42 acres. The averments are that the amount of compensation has been duly deposited by the Land Acquisition Collector, Urban Development, SAS Nagar in Government Treasury on 20.09.2005. The symbolic possession, thus, having been taken, the twin conditions of violation have not been fulfilled. As averred in the petition, the locus-standi of the petitioner, thus, even to prosecute the present petition not being owner on the strength of the lapsing proceedings also could not lie.

4. Resultantly, we are of the considered opinion that the right, if any, is only to seek amount of compensation in proportion to their right from the original land-owners on account of the possession and therefore, nothing survives for adjudication in the present writ petition and the same is accordingly dismissed.

(G.S. SANDHAWALIA)
JUDGE

24.09.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No